

## ***FWP COMMISSION AGENDA ITEM COVER SHEET***

**Meeting Date:** April 14, 2011

**Agenda Item:** Peregrine Falcon Take

**Division:** Wildlife

**Action Needed:** Approval of Tentative Rule

**Time Needed for Presentation:** 15 minutes

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### **Background**

The U.S. Fish and Wildlife Service delisted peregrine falcons in 1999 and Montana followed in 2005. Monitoring shows continued increases in the number of nesting pairs and production of young, primarily in western Montana. In 2009, the Montana Peregrine Institute reported 84 occupied nests and 176 young fledged from 79 successful nests for a rate of 2.2 juveniles per successful nest. This exceeds the 15 year average in Montana of 1.9 young fledged per successful nest. A full statewide survey was not completed in 2010. Therefore the recommendation for the 2011 take is based on 2009 productivity estimates and an agreement to take no more than 5% in FWP's 2007 Final Environmental Assessment.

In 2007, the USFWS updated rules for a limited take of nestling peregrines for falconry in the western U.S. with a Final Environmental Assessment. On Dec. 8, 2009 the USFWS published a **rule that allowed** Montana, Mississippi, Oklahoma, Pennsylvania, Texas and Utah to operate under the new federal falconry regulations giving each state more authority in managing take.

Five take permits were issued to Montana falconers in 2010 and two peregrines were taken.

### **Public Involvement Process & Results:**

One 2010 permit holder suggested a longer take period to allow for the capture of older fledglings. Another 2010 permit holder suggested a quota system be implemented to allow greater opportunity to all qualified falconers. Representatives of the Montana Falconers Association have suggested an increase in allowable take based on 2010 observed productivity.

A 30-day comment period, which closed Feb. 15, was used to solicit public input on the tentatively adopted regulation. A total of 81 separate comments were received. A majority (91%) of the comments were supportive of the proposed action and felt a take of five birds would not negatively effect the population. Comments in opposition (9%) primarily focused on the inappropriateness of allowing individuals to possess wild falcons.

### **Agency Recommendation & Rationale:**

Based on findings in FWP's 2007 Final Environmental Assessment:

- authorize take of five nestling or juvenile peregrines in 2011
- restrict take to June 1-Aug. 31
- limit take to one peregrine for each successful applicant
- prohibit take from eastern Montana to encourage expansion of the breeding population
- prohibit take from certain nests of high value wildlife viewing opportunity and/or part of on-going agency approved research efforts
- prohibit the sale, barter or exchange of birds from the wild

### **Proposed Motion:**

Approve FWP's recommendation to authorize the take of up to five peregrine falcon nestlings or fledglings for falconry purposes in 2011 within a take period of June 1–Aug. 31.